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22 MARK ZUCKERBERG

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24 FOLLOWING PAGE

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHILDREN'S HEALTH DEFENSE,

Plaintiff,

v.

FACEBOOK, INC., ET AL.,

Defendants.

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CHILDREN'S HEALTH DEFENSE

Case No. 3:20-cv-05787-SI

CIVIL LOCAL RULE 7-12
STIPULATION REGARDING
BRIEFING SCHEDULE, STAY OF
DISCOVERY, AND CONTINUATION
OF INITIAL CASE MANAGEMENT
CONFERENCE

Hon. Susan Illston

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16 THE POYNTER INSTITUTE FOR MEDIA
17 STUDIES, INC.
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1 Pursuant to Civil Local Rule 7-12, Defendants Facebook, Inc., Mark Zuckerberg, and the Poynter
2 Institute for Media Studies, Inc. (collectively “Defendants”) and Plaintiff Children’s Health Defense
3 hereby stipulate and agree as follows:

4 WHEREAS, Plaintiff filed the Complaint (Dkt. No. 1) on August 17, 2020;

5 WHEREAS, Plaintiff served the Complaint on Defendant Facebook, Inc. on August 19, 2020
6 (Dkt. No. 16), on Defendant Mark Zuckerberg on September 14, 2020 (Dkt. No. 35), and on
7 Defendant the Poynter Institute for Media Studies, Inc. on October 7, 2020 (Dkt. No. 49);

8 WHEREAS, by Orders dated August 27, 2020 and October 14, 2020, the Court set the Initial
9 Case Management Conference for November 20, 2020 (Dkt. Nos. 15, 51);

10 WHEREAS, Defendants filed their motions to dismiss the complaint on October 23, 2020
11 (Dkt. Nos. 54, 56);

12 WHEREAS, under the current briefing schedule, Plaintiff’s oppositions to Defendants’
13 motions to dismiss are due by December 21, 2020; Defendants’ replies are due by January 21, 2021;
14 and the hearing on the motions is set for February 5, 2021 (Dkt. No. 29);

15 WHEREAS, Plaintiff will file a timely Amended Complaint by November 13, 2020,
16 pursuant to Fed. R. Civ. P. (“Rule”) 15(a)(1)(B);

17 WHEREAS, in view of the complicated subject matter of this case and the number of issues
18 in dispute, the parties agree that there is good cause to enlarge the Rule 15 briefing schedule for
19 Defendants’ motions to dismiss the Amended Complaint such that: (1) Defendants’ motions to
20 dismiss Plaintiff’s Amended Complaint shall be filed by December 21, 2020; (2) Plaintiff’s
21 oppositions shall be filed by February 5, 2021; (3) Defendants’ replies shall be filed by March 5,
22 2021; and (4) the hearing shall be set for March 19, 2021, or a date thereafter convenient with the
23 Court;

24 WHEREAS, the parties met and conferred on October 30, 2020 and November 2, 2020 and
25 by follow-up exchanges of electronic mail in accordance with Federal Rule of Civil Procedure 26(f)
26 and ADR L.R. 3-5(a);

27 WHEREAS, neither party has yet served any discovery requests;
28

WHEREAS, the parties agree that the Court's ruling on the motions to dismiss the Amended Complaint is expected to provide guidance to the parties as to the scope of the issues in the case and the appropriate contours for discovery;

WHEREAS, the parties agree that good cause exists to stay all discovery as between these parties, including disclosures pursuant to Federal Rule of Civil Procedure 26, until and unless the Court denies Defendants' motions to dismiss the Amended Complaint in whole or in part;¹

WHEREAS, the parties agree that, notwithstanding the discovery stay, the Case Management Conference should be held on March 19, 2021 (i.e., the date requested for hearing on the renewed motions to dismiss), or continued to a date thereafter convenient for the Court.

Dated: November 6, 2020

WILMER CUTLER PICKERING, HALE AND DORR LLP

By: /s/ Sonal N. Mehta
SONAL N. MEHTA

Attorney for Defendants
Facebook, Inc. and Mark Zuckerberg

Dated: November 6, 2020

JASSY VICK CAROLAN LLP

By: /s/ Carol Jean LoCicero
CAROL JEAN LOCICERO

Attorney for Defendants
The Poynter Institute for Media Studies, Inc.

Dated: November 6, 2020

By: /s/ Roger I. Teich
ROGER I. TEICH

Attorney for Plaintiff
Children's Health Defense

¹ In the event the Court grants the motions to dismiss with leave to amend, the parties will meet and confer to discuss whether it makes sense to continue to stay discovery in whole or in part until any subsequent pleadings and/or motions to dismiss are resolved.

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2020, I electronically filed the above document with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

Dated: November 6, 2020

By: /s/ Sonal N. Mehta
Sonal N. Mehta

ATTORNEY ATTESTATION

I, Sonal N. Mehta, am the ECF User whose ID and password are being used to file this Stipulation and accompanying proposed order. In compliance with Civil Local Rule 5-l(i)(3), I hereby attest that concurrence in the filing of this document and all attachments has been obtained from each signatory.

Dated: November 6, 2020

By: /s/ Sonal N. Mehta
Sonal N. Mehta